

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ADJUSTACAM LLC,

Plaintiff,

vs.

AMAZON.COM, INC., ET AL.,

Defendants.

Case No. 6:10-CV-329-LED

JURY TRIAL DEMANDED

**NEWEGG INC., NEWEGG.COM INC. AND
ROSEWILL INC.'S REBUTTAL TRIAL WITNESS LIST**

At this time, Newegg Inc., Newegg.com, Inc. and Rosewill Inc. (collectively “Newegg”) identify the following rebuttal witnesses for trial. Newegg may call one or more of the following witnesses live and/or by deposition:

WITNESS	TOPIC(S)¹	WILL CALL	MAY CALL
Dennis Auyang	Rosewill’s manufacture, sales, and inventory of the accused products	X	
David K. Tai	Rosewill’s manufacture, sales, and inventory of the accused products	X	
Lawrence M. Nawrocki	Prosecution of ‘343 Patent	X	

¹ Plaintiff is critical of Newegg for not identifying in its Trial Witness List (Dkt. 690) the topics on which Messrs. Auyang, Cheng, Harris, Lee, and Nawrocki will testify at trial. Newegg identified these topics in its Rule 26 disclosures, including in its Supplemental Disclosures, served on July 19, 2012. Newegg reiterates those topics here. Accordingly, to the extent Newegg was required to identify these topics in its Trial Witness List, Plaintiff was not prejudiced by the omission, and any request by Plaintiff to strike Newegg’s witnesses on such grounds should be denied.

WITNESS	TOPIC(S) ¹	WILL CALL	MAY CALL
David E. Krekelberg	Inventorship; Kritter Cam; prosecution of '343 Patent	X	
Michael D. Harris	iREZ Corporation; rights to '343 Patent	X	
Lee Cheng	Information relating to Newegg's existing licenses, licensing practices, corporate history, and corporate structure	X	
Richard Klopp, Ph.D., P.E.	Invalidity; <i>see</i> report and deposition transcript	X	
Ryan Sullivan, Ph.D.	Damages; royalties; <i>see</i> report and deposition transcript	X	
John Hamilton, MSME, P.E.	Non-Infringement; <i>see</i> report and deposition transcript	X	
One or more representatives of TransPerfect Solutions or other qualified translator	Translation of Japanese publication JP-H2-19997 by Kunio Iki to English	X	
Kelley Le	Information relating to Newegg's selection, sales, and inventory of the accused products.	X	
Tony Lee	Newegg's selection, sales, and inventory of the accused products	X	
Joel Barthelemy	Global Media; Kritter Cam; '343 Patent; Rights to '343 Patent		X
Steve Wong	GlobalMedia; AdjustaCam; Acacia; Rights to '343 Patent; Royalties		X

WITNESS	TOPIC(S) ¹	WILL CALL	MAY CALL
Clayton Haynes	AdjustaCam; Rights to '343 Patent; Royalties; Acacia		X
Plaintiff's listed witnesses ²			X

In addition, to the persons who are identified above, Newegg reserves the right to call: (i) any person identified by Plaintiff in its Trial Witness List (Dkt. 692) or its Rebuttal Witness List (Dkt. 694); (ii) any person identified by Plaintiff in its Disclosure statement(s); (iii) any person identified by any other Defendant in their Trial Witness List or Rebuttal Witness List; (iv) any person identified by any other Defendant in their Disclosure statements; (v) the persons identified in depositions; (vi) any person identified in any answer to an interrogatory, and (vii) any experts identified by the parties.

DATED THIS 14th day of September, 2012.

PARSONS BEHLE & LATIMER

By /s/ Dana M. Herberholz
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² Plaintiff's Trial Witness List was untimely filed in violation of the Court's Amended Docket Control Order (Dkt. 660). Newegg reserves all rights, including having Plaintiff's witnesses stricken and/or precluded from testifying. Subject to the foregoing, to the extent Plaintiff's witnesses are permitted to testify at trial, Newegg reserves the right to call them during its case in chief and/or in rebuttal.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that all counsel of record who are deemed to have consented to electronic service are being served this 14th day of September, 2012, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission, and/or first class mail on this same date.

/s/ Dana M. Herberholz

Dana M. Herberholz

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